

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

HADONA DIEP, et al.,  
Plaintiffs,

v.

APPLE INC,  
Defendant.

Case No. 21-cv-10063-PJH

**ORDER DISMISSING CLAIMS 4, 5,  
AND 9 WITHOUT PREJUDICE**

Re: Dkt. No. 63

On September 2, 2022, this court dismissed all claims brought by plaintiffs in this action. Dkt. 54. In relevant part, the court dismissed Claims 4, 5, and 9 for violation of California's Unfair Competition Law, violation of California's Legal Remedies Act, and liability under Maryland's Consumer Protection Act with prejudice. Plaintiffs appealed the order. Dkt. 56.

On March 27, 2024, the United States Court of Appeals for the Ninth Circuit issued its decision on plaintiffs' appeal. Dkt. 62. In its decision, the Ninth Circuit affirmed this court's order dismissing certain of plaintiffs' claims and vacated the dismissal of Claims 4, 5, and 9 to the extent they were dismissed with prejudice. The Ninth Circuit instructed this court to grant plaintiffs leave to amend as to those claims.

On April 18, 2024, the Ninth Circuit entered the mandate on its decision. Dkt. 63. Accordingly, this court DISMISSES Claims 4, 5, and 9 without prejudice.

Within 28 days of this order, plaintiffs may file an amended complaint alleging additional facts in support of those claims, as discussed in the Ninth Circuit's decision. Plaintiffs may not amend or add any other claim. In the event plaintiffs file an amended complaint, the court orders that plaintiffs also provide a redline clearly showing all changes between the newly-filed complaint and the previously-filed First Amended Complaint (Dkt. 33). Plaintiffs should file the

redline document as a separate docket entry.

**IT IS SO ORDERED.**

Dated: April 19, 2024

/s/ Phyllis J. Hamilton  
PHYLLIS J. HAMILTON  
United States District Judge

United States District Court  
Northern District of California